

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

ROBERT ARMOR,	:	CIVIL ACTION NO.
	:	1:12-CV-2719-TWT-JSA
Plaintiff,	:	
	:	
v.	:	
	:	
FEDERAL EXPRESS CORPORATE :		
SERVICES, INC.,	:	NON-FINAL REPORT AND
	:	RECOMMENDATION ON A
Defendant.	:	<u>MOTION TO DISMISS</u>

This matter is before the undersigned on Defendant Federal Express Corporate Services, Inc.'s Motion to Dismiss [4] ("Motion"). Defendant filed its Motion [4] on October 23, 2012. Plaintiff on November 6, 2012 filed an Amended Complaint [6]. Because Defendant's Motion [4] is directed to Plaintiff's Complaint [1], Plaintiff's filing of his Amended Complaint [6] moots Defendant's Motion to Dismiss [4]. *See Dresdner Bank AG, Dresdner Bank AG in Hamburg v. M/V OLYMPIA VOYAGER*, 463 F.3d 1210,1215 (11th Cir. 2006) ("An amended pleading supersedes the former pleading; the original pleading is abandoned by the amendment, and is no longer part of the pleader's averments against his adversary.") (internal quotations and citation

omitted). As such, the undersigned **RECOMMENDS** that Defendant's Motion to Dismiss [4] be **DENIED WITHOUT PREJUDICE** as moot.

IT IS SO RECOMMENDED this 28th day of November, 2012.



JUSTIN S. ANAND
UNITED STATES MAGISTRATE JUDGE